

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

THE FESTIVE FARM CO.,
Plaintiff,

v.

BE CREATIONS AND DESIGNS, INC.,
Defendant.

6:22-CV-00994-ADA-JCM

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 21. The report recommends that this Court deny as moot Defendant's Motion to Dismiss Plaintiff's Complaint (ECF No. 14) and grant-in-part and deny-in-part Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 17). The report and recommendation was filed on May 9, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

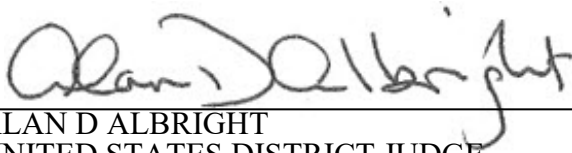
When no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske (ECF No. 21) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Plaintiff's Complaint (ECF No. 14) be **DENIED AS MOOT**.

Further, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 17) be **GRANTED IN PART AND DENIED IN PART**. Consistent with the discussion in the report and recommendations, Counts I-V should remain and Count VI should be dismissed.

SIGNED this 24th day of May, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE